

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL K. DELICH, #N84043,)
vs.)
Plaintiff,)
vs.)
K. HVARRE,)
LIEUTENANT MASON,)
C/O BRUCE,)
and M. MILLER,)
Defendants.)
Case No. 3:22-cv-02143-MAB

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

Plaintiff Michael Delich filed this action pursuant to 42 U.S.C. § 1983 for alleged deprivations of his constitutional rights at Big Muddy River Correctional Center. (Doc. 1). The Complaint included no statement of claim and no request for relief, so it did not survive screening under 28 U.S.C. § 1915A. (Doc. 8). The Court dismissed the Complaint without prejudice on January 26, 2023. *Id.*

Plaintiff was granted leave to file a First Amended Complaint on or before March 2, 2023, if he intended to proceed with any claims in this case. *Id.* The Court warned him that failure to do so by this deadline would result in dismissal of the action:

If Plaintiff fails to file his First Amended Complaint within the allotted time or consistent with the instructions set forth in this Order, the case will be dismissed without prejudice for failure to comply with a court order and for failure to prosecute his claims.

(See Doc. 8, p. 3). Plaintiff failed to file a First Amended Complaint by March 2, 2023. Two weeks have now passed since this deadline expired, and he has not requested an

extension. The Court will not allow this matter to linger indefinitely. The action shall be dismissed without prejudice based on Plaintiff's failure to file an amended complaint and prosecute his claims. *See* FED. R. CIV. P. 41(b).

DISPOSITION

This action is **DISMISSED** without prejudice based on Plaintiff's failure to comply with the Court's Order (Doc. 8) to file a First Amended Complaint and his failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 16, 2023

/s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge